



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://cao.co.la.ca.us>

DAVID E. JANSSEN
Chief Administrative Officer

August 22, 2006

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Board of Supervisors
GLORIA MOLINA
First District

YVONNE B. BURKE
Second District

ZEV YAROSLAVSKY
Third District

DON KNABE
Fourth District

MICHAEL D. ANTONOVICH
Fifth District

Dear Supervisors:

**PUBLIC HEARING AND GRANT OF ACCESS EASEMENT
OVER A PORTION OF COUNTY-OWNED PARK REAL PROPERTY
SAN DIMAS CANYON PARK AND NATURE CENTER
1628 NORTH SYCAMORE CANYON ROAD, SAN DIMAS
(FIFTH DISTRICT) (3-VOTES)**

**IT IS JOINTLY RECOMMENDED WITH THE DEPARTMENT OF PARKS AND
RECREATION THAT AFTER THE PUBLIC HEARING, YOUR BOARD:**

1. Find that the exclusive use of a portion of San Dimas Canyon Park and Nature Center (Park), as delineated on the map and legally described in Attachments A and B, respectively (Easement Property), is not necessary for County or other public purposes.
2. Find that the grant of a non-exclusive access easement for ingress and egress purposes is categorically exempt from the California Environmental Quality Act (CEQA).
3. Find that the granting of the proposed non-exclusive easement is in the public interest and that the interest in land granted will not substantially conflict or interfere with the use of the real property by the County.
4. Approve the granting of a non-exclusive easement for ingress and egress purposes to the adjacent landowner (McHenry) for \$61,500; and instruct the Mayor to sign the attached Easement Deed (Attachment C).
5. Instruct the Auditor-Controller to deposit all of the proceeds paid by McHenry into the San Dimas Canyon Park Sub-Fund Account (IM00) as directed by the Chief Administrative Office (CAO) in compliance with Public Resources Code (PRC) Section 5404.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

The purpose of the recommended action is to approve the granting of a non-exclusive easement for ingress and egress, and other incidental purposes to an adjacent landowner over a portion of County-owned park real property for \$61,500 as authorized by Government Code Section 25526.7. The proposed easement will affect a triangular shaped portion of the Park consisting of approximately 694 square feet located on its northwest border.

Adjacent landowner McHenry's property does not border a public street or road and is considered landlocked for access purposes. The proposed easement will serve to provide a necessary and permanent route of access to McHenry's property.

Based upon an appraisal conducted by an independent appraiser, the CAO has determined that the amount of compensation offered by McHenry to grant the easement is sufficient. The Department of Parks and Recreation (DPR) together with the CAO evaluated the granting of the proposed easement and have collectively concluded that the non-exclusive easement will have no impact upon the use or enjoyment of the Park.

Since the easement being granted is non-exclusive in nature, the current uses of the Easement Property as equestrian and pedestrian trails and as an access route for fire and law enforcement vehicles will not be substantially affected. The only effect to the Park is the potential loss of the County's future right to make improvements or otherwise develop that portion of the Park which makes up the Easement Property.

However, this loss is considered minimal because a majority of the Park is maintained as unimproved open space with no foreseeable plans to make improvements or develop the rolling and steeply sloping topography which comprises the subject area.

IMPLEMENTATION OF STRATEGIC PLAN GOALS

The Countywide Strategic Plan directs that we provide the public with beneficial and responsive services (Goal 1). In support of this goal of service excellence, the granting of the subject easement will provide funds that can be used to enhance the Park going experience of its users.

FISCAL IMPACT/FINANCING

The total compensation offered by McHenry to acquire the proposed easement rights is \$61,500 and shall be deposited into the San Dimas Canyon Park Sub-Fund Account (IM00).

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The Park is located in the City of San Dimas, between San Dimas and Sycamore Canyons, bordering the Angeles National Forest. The majority of the Park's approximately 102 acres is maintained as open space and offers a variety of nature trails which traverse over the chaparral and riparian vegetation covered sloping topography.

Adjacent landowner McHenry's property is comprised of approximately 78 acres and is located on the Park's westerly border. The property does not have public street frontage nor does it border any road making it landlocked with no permanent means of access. In order to create a permanent route of access to the property, McHenry is proposing to acquire an access easement over a portion of the Park located at its northwest border.

The Easement Property has a triangular shaped configuration and contains a total land area of approximately 694 square feet. The proposed easement will provide a permanent route of access to McHenry's property by accessing a private road on another adjacent landowner's property then crossing over the Easement Property onto McHenry's property at its northeast border.

This transaction is subject to the provisions of the Public Park Preservation Act of 1971 (Public Resources Code Sections 5400-5409, inclusive) because it involves the taking of public park property for non-park purposes. Pursuant to this Act, the payment of sufficient compensation and/or the transfer of similar replacement land of comparable characteristics and size is required for the taking of the park property.

Based on an appraisal commissioned by McHenry, the amount of \$61,500 was offered to the County as compensation for granting the proposed easement. Upon review of the appraisal, CAO has determined that the amount of compensation offered is sufficient to comply with the provisions of PRC Section 5405.

Since the proposed transaction meets the criteria as set forth in PRC Section 5404 (the taking of less than 10 percent of the park property, but not more than one acre), the County has chosen to receive monetary compensation in lieu of transfer of substitute park land. After a public hearing is held on the matter and upon a majority vote by your Board, the funds received for this purpose will be deposited into the San Dimas Canyon Park Sub-Fund Account (IM00) for use to improve the un-acquired portion of the park land and/or facilities pursuant to PRC Section 5404.

Pursuant to the requirements of the Park Preservation Act, due public notice regarding the granting of the proposed easement was posted on the Park property for 45 days.

County Counsel has reviewed the easement deed related to this transaction and approved it as to form.

ENVIRONMENTAL DOCUMENTATION

The recommended action is categorically exempt under the Guidelines for the Implementation of CEQA in accordance with Section 15301(c) and Class 1 (f) and (n) of the revised Environmental Document Reporting Procedures and Guidelines adopted by your Board on November 17, 1987, because there will be negligible or no expansion of an existing use. Currently, an existing unimproved dirt path which is within the Easement Property is used by fire and law enforcement vehicles for patrol and emergency access. This use will not be significantly affected and it is anticipated that the increase of vehicles crossing over the Easement Property by McHenry should be minimal.

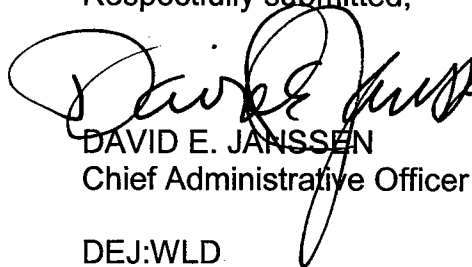
IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will not be any impact on current services since the Easement Property is not necessary to the operation of the Park.

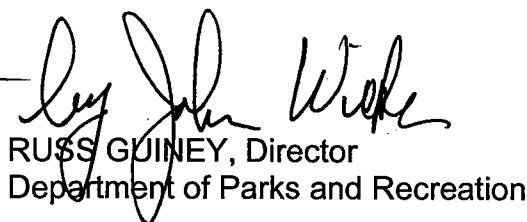
CONCLUSION

It is requested that the Executive Officer, Board of Supervisors, return the executed Easement Deed, two certified copies of the Minute Order, and the adopted, stamped Board letter to the CAO Real Estate Division at 222 South Hill Street, 3rd Floor, Los Angeles, CA 90012 for further processing. Additionally, please forward a copy of the adopted, stamped Board letter to the Department of Parks and Recreation, Planning Division, 510 South Vermont Avenue, Los Angeles, CA 90020.

Respectfully submitted,



DAVID E. JANSSEN
Chief Administrative Officer



RUSS GUINEY, Director
Department of Parks and Recreation

DEJ:WLD
CB:RL:dd

Attachments (3)

c: Auditor-Controller
County Counsel
Department of Parks and Recreation

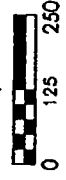
ATTACHMENT A

MAP OF ACCESS EASEMENT

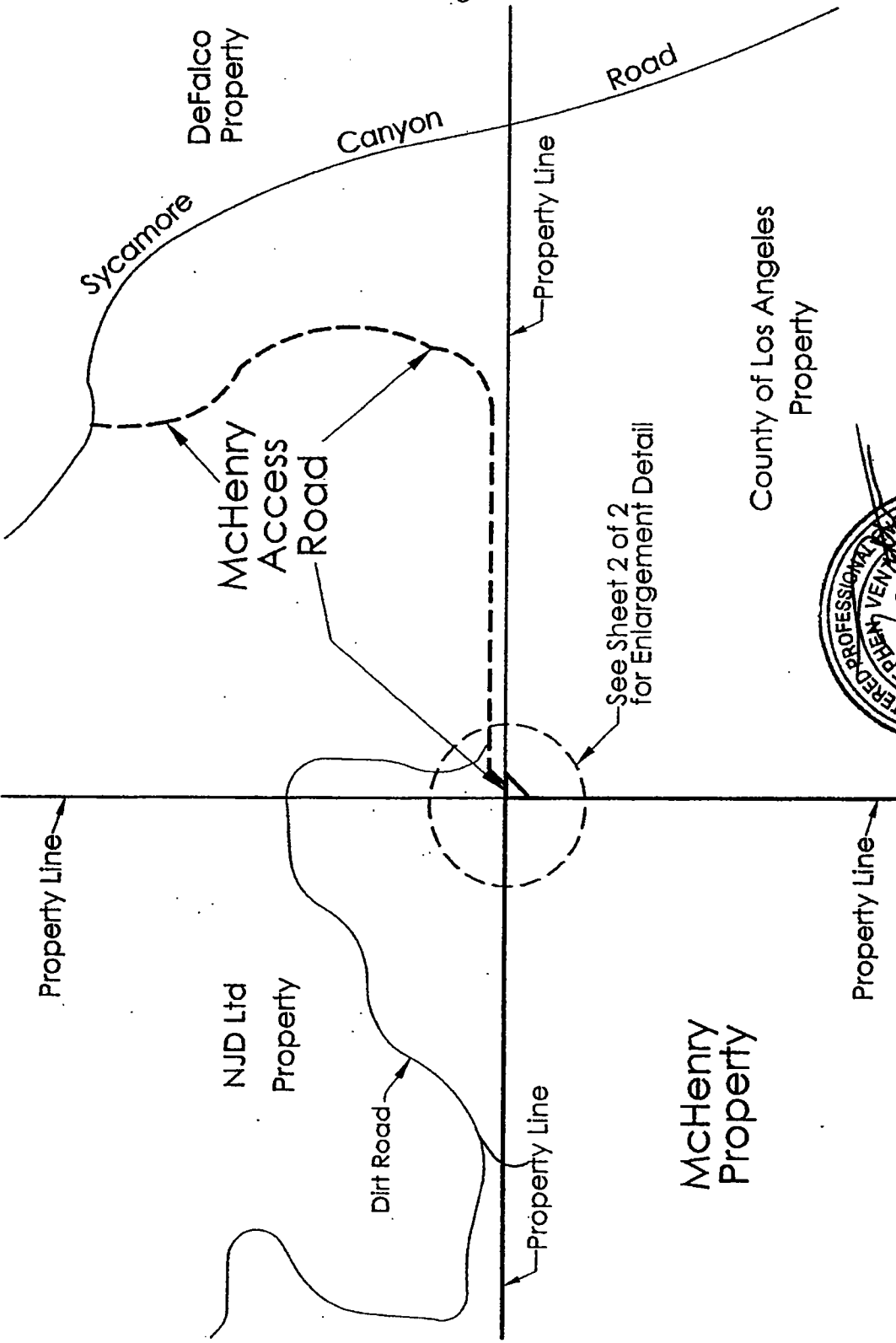
SHEET 1 OF 2. SITE PLAN

SHEET 2 OF 2. ENLARGED DETAIL MAP OF EASEMENT

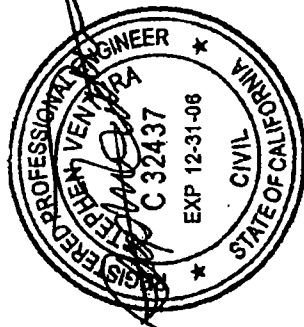
SCALE: 1"=250'



GRAPHIC SCALE: 1"=250'



SITE PLAN
SCALE: 1" = 250'

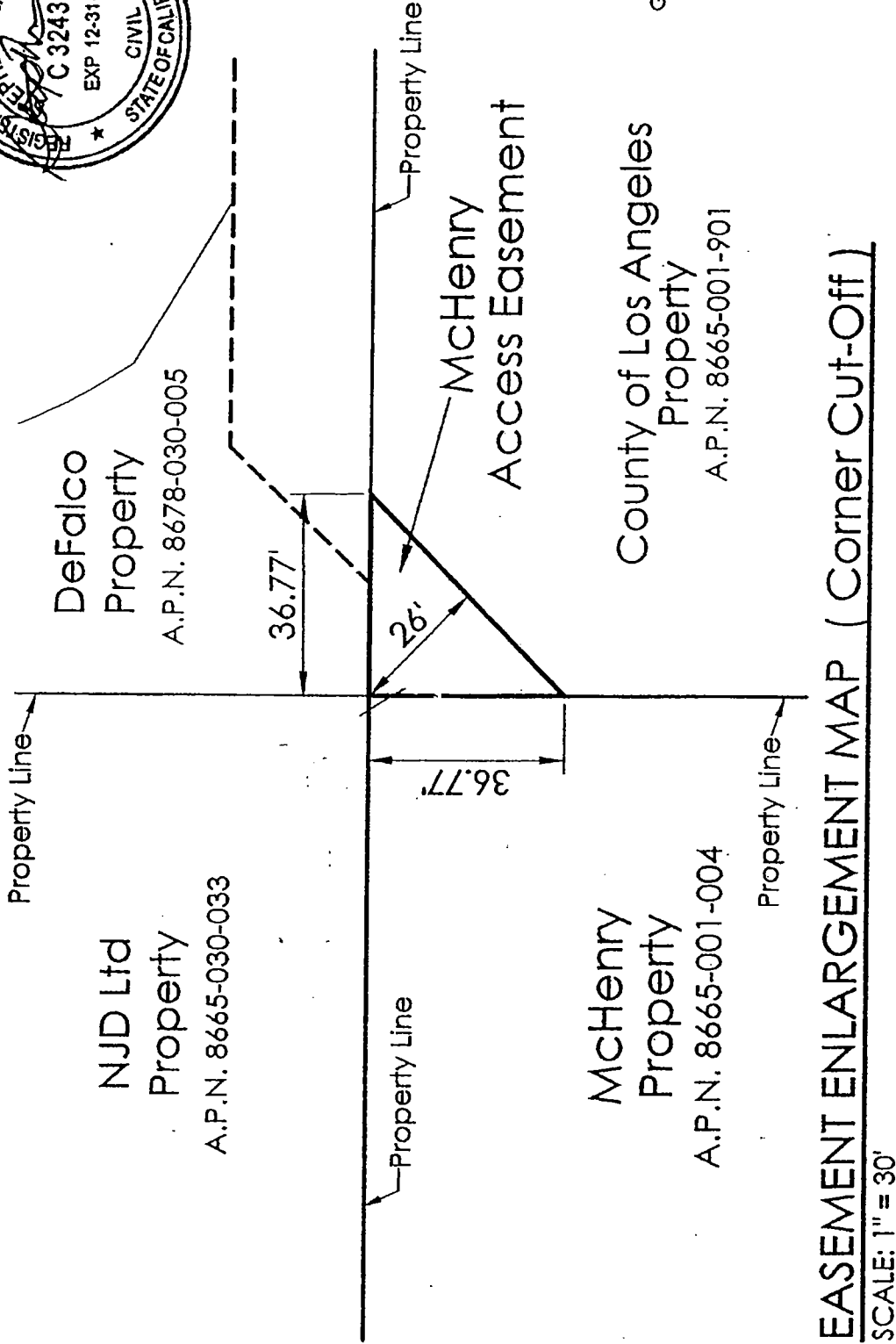
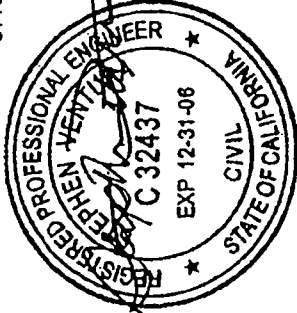


c/20/00

MAP PREPARED BY:

ANDREASEN ENGINEERING, INC.

CIVIL ENGINEERING • LAND SURVEYING • MUNICIPAL ENGINEERING
580 NORTH PARK AVENUE, POMONA, CALIFORNIA 91768
(909)623-1595 • FAX # (909)620-0016



EASEMENT ENLARGEMENT MAP (Corner Cut-Off) SCALE: 1" = 30'

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ATTACHMENT B

LEGAL DESCRIPTION

LEGAL DESCRIPTION FOR ACCESS EASEMENT

A portion of the Northwest Quarter of Section 35, Township 1 North, Range 9 West, San Bernardino Base and Meridian, in the County of Los Angeles, State of California, according to the official plat of the survey of said land, approved by the Surveyor General October 30, 1884 described as follows:

Beginning at the Northwest corner of said Section 35; thence Southerly along the West line of said Section 35, 36.77 feet; thence in a direct line Northeasterly to the North line of said Section 35, to a point that is 36.77 feet easterly along said North line from the Northwest corner of said Section 35; thence Westerly along said North line to the point of beginning.

The above description affects A.P.N.: 8665-001-901

THIS LEGAL DESCRIPTION WAS PREPARED BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE PROVISIONS OF THE LAND SURVEYORS' ACT OF THE STATE OF CALIFORNIA. THIS LEGAL DESCRIPTION IS NOT TO BE USED IN VIOLATION OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA

 6/26/06
STEPHEN VENTURA, R.C.E. 32437 (LIC. EXPIRES 12-31-06)



ATTACHMENT C

EASEMENT

RECORDING REQUESTED BY:
County of Los Angeles
AND MAIL TO:
F.D. Sandy McHenry
P.O. Box 4605
San Dimas, CA 91773

Space above this line for Recorder's use

TAX PARCEL: 8665-001-901

EASEMENT

DOCUMENTARY TRANSFER TAX

COUNTY OF LOS ANGELES \$

CITY OF \$

TOTAL TAX \$

___ COMPUTED ON FULL VALUE OF PROPERTY CONVEYED,
___ OR COMPUTED ON FULL VALUE LESS LIENS AND
ENCUMBRANCES REMAINING, AT TIME OF SALE.

Signature of Declarant or Agent determining tax.

COUNTY OF LOS ANGELES
Firm Name

For valuable consideration, receipt of which is hereby acknowledged, the **COUNTY OF LOS ANGELES**, a body corporate and politic (the "County"), does hereby grant to **F. DAVID and LYNDIA D. McHENRY** (the "Grantee") a non-exclusive easement with rights of ingress and egress, with incidental appurtenances in, on, over and across only and for no other purposes, the real property in the City of San Dimas, County of Los Angeles, State of California described in Exhibit A and shown and delineated in Exhibit B which are attached hereto and by this reference made a part hereof (the "Property").

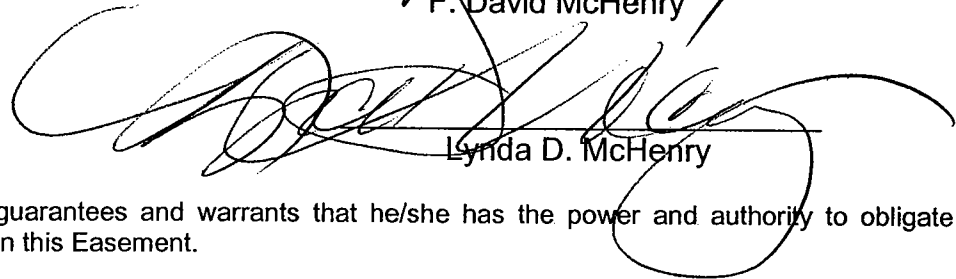
Subject to all matters of record and to the following reservations and conditions which Grantee by acceptance of this easement document agrees to keep and perform viz:

- a. Covenants, conditions, restrictions, reservations, easements, rights, and rights-of-way of record, if any.
- b. County reserves the right to use the Property for any and all purposes consistent with the enjoyment of the easement herein granted.
- c. Grantee agrees that it will indemnify and hold harmless County, and its Special Districts, elected officials and appointed officers, agents and/or employees from any and all liability, loss or damage, including but not limited to demands, claims, actions, fees, costs and expenses (including attorney and expert witness fees) arising from or connected with any act or omission by Grantee, its agents and/or employees, arising out of the exercise by Grantee, or its officers, agents or employees, of any rights granted to it by this instrument.
- d. It is expressly understood that the County will not be called upon to maintain, repair or otherwise improve the Property which comprises this easement.
- e. The provisions and conditions contained herein shall be binding upon Grantee, its successors and assigns.

IN WITNESS WHEREOF, Grantee has accepted the interest conveyed hereby and has caused it to be duly executed, and County of Los Angeles by the order of its Board of Supervisors has caused this document to be executed on its behalf by said Board and attested by the Clerk on the _____ day of _____, 2006.

ACCEPTANCE BY GRANTEE:

By 
F. David McHenry



Lynda D. McHenry

who hereby personally covenants, guarantees and warrants that he/she has the power and authority to obligate the Grantee to the terms and conditions in this Easement.

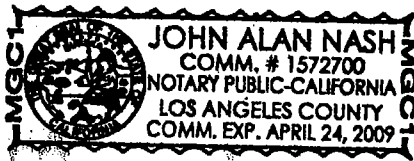
STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

On 8-1-06, before me, JOHN ALAN NASH
personally appeared F. David McHenry - GRNU personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.


(Signature)

(This Areas for Seal)



COUNTY OF LOS ANGELES

COLA LOG NO. _____

By _____
Michael D. Antonovich
Mayor, Los Angeles County

STATE OF CALIFORNIA))
COUNTY OF LOS ANGELES) ss.
)

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code which authorized the use of facsimile signatures of the Chairperson of the Board on all papers, documents, or instruments requiring said signature.

The undersigned hereby certifies that on this _____ day of _____, 2006, the facsimile signature of _____, Mayor, Los Angeles County was affixed hereto as the official execution of this document. The undersigned further certifies that on this date, a copy of the document was delivered to the Chairperson of the Board of Supervisors of the County of Los Angeles.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.

SACHI A. HAMAI, Executive Officer
Board of Supervisors, County of Los Angeles

By _____

APPROVED AS TO FORM:

RAYMOND G. FORTNER
County Counsel

By  Deputy

EXHIBIT "A"

LEGAL DESCRIPTION FOR ACCESS EASEMENT

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 6/26/06
STEPHEN VENTURA, R.C.E. 32437 (LIC. EXPIRES 12-31-06)



SITE PLAN
SCALE: 1" = 250'

McHenry
Property

County of Los Angeles
Property

NJD Ltd
Property

Defalco
Property

McHenry
Access
Road

Sycamore
Canyon

Road

Property Line

Property Line

Property Line

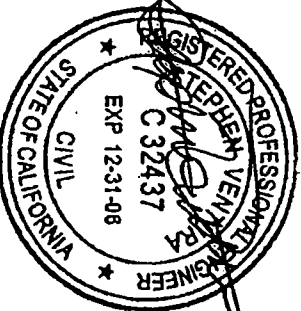
See Sheet 2 of 2
for Enlargement Detail

GRAPHIC SCALE: 1"=250'



N

SCALE: 1"=250'

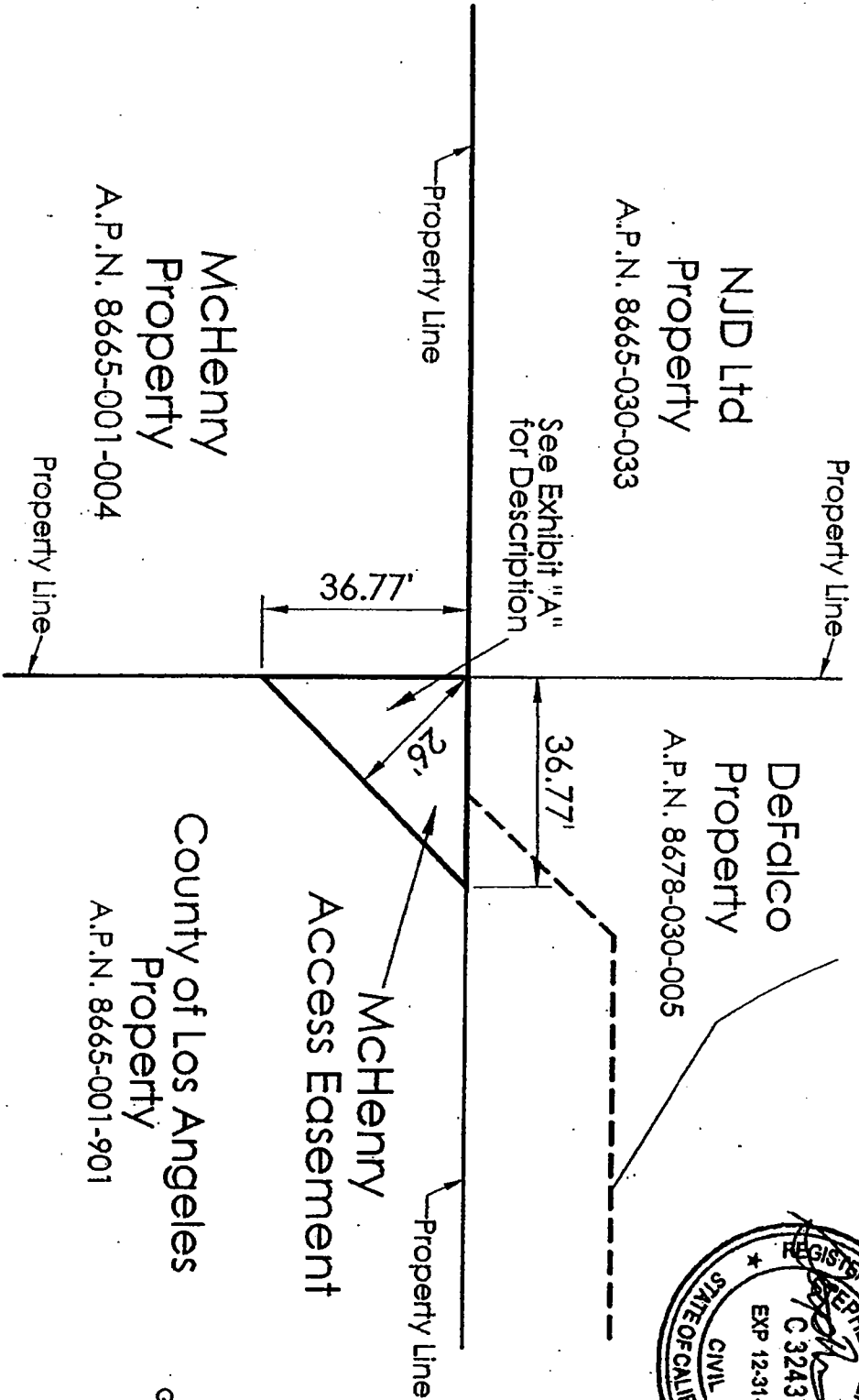


c/24/06

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SCALE: 1" = 30'

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